

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CRIMINAL ACTION NO. 1:05CR04

DANIEL TESTERMAN,

Defendant.

**ORDER CONTINUING HEARING ON PRE-TRIAL MOTIONS AND
GRANTING UNITED STATES' MOTION FOR EXTENSION OF TIME TO RESPOND**

On February 18, 2005, the United States filed its Second Motion for Extension of Time (to file response) and Motion to Continue (hearing on pre-trial motions) [Docket Entry 14]. The Assistant United States Attorney's request for an extension of time is based on the unavailability of Ritchie County Sheriff's Deputy Michael Kelly to assist in the preparation of the response and to appear and give testimony at the hearing now rescheduled for February 28, 2005 due to a minor medical procedure now having escalated to a major medical procedure.

Upon review there does not appear to be any speedy trial implications, Defendant's having previously waived the same, and upon consideration of the merits finding that substantial justice requires the granting of the requested relief, this Court does grant Defendant's Motion to Continue [Docket Entry 14] and the Government's Motion for Extension of Time and Motion to Continue [Docket Entry 14]. The hearing on Defendant's Motion to Suppress [Docket Entry 5] is continued from February 28, 2005 to April 1, 2005 at 9:00 am at the Clarksburg point of holding Court. The Assistant United States Attorney shall file her response to the Defendant's Motion to Suppress on or before March 22, 2005.

IT IS SO ORDERED.

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The United States District Clerk for the Northern District of West Virginia is directed to provide a copy of this order to counsel of record, the Federal Probation Officer assigned to this case, and to the U.S. Marshal.

DATED: February 23, 2005



JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE